

Council Chambers
Municipal Building
October 11, 2011

The McAlester City Council met in Regular session on Tuesday, October 11, 2011, at 6:00 P.M. after proper notice and agenda was posted, October 7, 2011, at 10:02 A. M.

Call to Order

Mayor Priddle called the meeting to order.

Pastor Bob Tate, First Indian Church lead the Pledge of Allegiance and gave the invocation.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Steve Harrison, John Browne, Robert Karr, Buddy Garvin, & Kevin Priddle
Absent: Sam Mason
Presiding: Kevin E. Priddle, Mayor

Staff Present: Peter J. Stasiak, City Manager; David Medley, Utilities Director; Jim Lyles, Police Chief; Toni Ervin, Interim Finance Director; Mel Priddy, Community Services Director; John C. Modzelewski, City Engineer/Public Works Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Awards Presentation

Mayor Priddle presented Vincent Lott as September 2011 Employee of the Month. Mr. Lott received a Certificate of Appreciation, a plaque and a savings bond.

Citizen's Comments on Non-agenda Items

None

Consent Agenda

- A. Approval of the Minutes from the September 13, 2011 Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of Claims for September 21, 2011 through October 4, 2011. (*Toni Ervin, Interim Chief Financial Officer*) In the following amounts: General Fund - \$76,311.93; Nutrition - \$911.82; Tourism Fund - \$18,179.65; SE Expo Center - \$9,595.38; E-911 - \$2,157.50; Economic Development - \$26,021.91; Gifts & Contributions - \$612.71;

CDBG Grant Fund - \$1,042.00; Fleet Maintenance - \$14,431.96 and CIP Fund - \$86,347.28.

- C. To ratify and authorize the Mayor to sign the iWorQ Service Agreement between the City of McAlester and iWorQ Systems “iWorQ” located in Logan, Utah. *(Peter J. Stasiak, City Manager)*
- D. To ratify and authorize the Mayor to sign the Interagency Cooperative Agreement between the City of McAlester Police Department and Farley W. Ward, District Attorney, acting for and on behalf of the District Attorney’s Office District 18, Drug and Violent Crimes Task Force. *(Peter J. Stasiak, City Manager)*

Vice-Mayor Browne moved to approve the Consent Agenda, seconded by Councilman Harrison.

Before the vote, Manager Stasiak informed the Council that the quote for item “C” was the amount for the initial year and that the correct amount was \$2,480.00.

There was a brief discussion about the uses of the iWorQ program, which helped the citizens relay requests and complaints regarding abatement and other issues to the City.

There was no further discussion and the vote was taken as follows:

AYE: Councilman Smith, Harrison, Browne, Karr, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

Councilman Karr moved to open a Public Hearing to address an ordinance amending the FY 2011-2012 Budget. The motion was seconded by Councilman Garvin.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Harrison, Browne, Karr, Garvin, Smith & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:10 P.M.

Public Hearing

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2392 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2011-2012; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

There were no comments from either the public or the Council and Vice-Mayor Browne moved to close the Public Hearing. The motion was seconded by Councilman Harrison.

There was no discussion and the vote was taken as follows:

AYE: Councilman Browne, Karr, Garvin, Smith, Harrison & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was closed at 6:11 P.M.

Scheduled Business

1. Consider and act upon selling approximately 1.2 acres of land (224' x 232') located at the Southside Business Development Center for the construction of a 10,000 sq. ft. office building. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve and act upon the sale of approximately 1.2 acres of land located at the Southside Business Development Center for \$53,682.94 and authorizing the Mayor to sign the documents.

Vice-Mayor Browne moved to open the floor for discussion of the sale of approximately 1.2 acres of land located at the Southside Business Development Center. The motion was seconded by Councilman Karr.

Before the vote, Manager Stasiak explained that this initially discussed four (4) or five (5) months ago when the zoning was changed on a portion of the property. He stated that Mr. Carl Voss wanted to purchase the 1.2 acres to construct a 10,000 sp. ft. office building and was present if the Council had questions.

There was discussion among the Council concerning the January workshop on the property, a master plan for the development of the property, no covenants on the development of the property, allowing individuals to invest in the community, having a clause in the sales contract that protects the City when property is sold, retaining mineral rights to City property that was sold and tabling the item.

Councilman Garvin stated that since the Ward Six Councilman was not present he would agree to table the item until all of the City could be represented.

Mr. Voss addressed the Council stating that tabling this would put a roadblock in this development and could cause him to lose the contract with the USDA. He commented that he needed to have the property purchased by the end of the month. He added that he would not spend \$1.4 million and not put in a nice building. He stated that the USDA was combining the three (3) offices that were located in the City.

There was further discussion among the Council concerning the construction materials that were to be used, what would be visible on that property, if the item was tabled could the City incorporate specific stipulations in the contract, and if the building was going to look like the rendition that had been submitted to the Council.

Mayor Priddle commented that it would be a good anchor for the development.

Vice-Mayor Browne commented that a reversionary clause be inserted into the contract to protect the City. Mr. Ervin stated that the reversionary clause would be in the deed.

Manager Stasiak stated that the City had a hammer which was not issuing the building permit if the construction plans and landscaping did not meet with the City's requirements.

Mayor Priddle stated that this building specifically was the reason for the rezoning and one of the reasons that the Elks Road was being rebuilt. He added that he felt a compromise could be reached that would satisfy all parties. Councilman Garvin withdrew his second to table the item.

Councilman Harrison commented that the hammer would only exist if the requirements were in the contract, he would not like to vote on something that was not in writing and he would appreciate comments from the MPower Director.

Vice-Mayor Browne moved to agree to the sale of the property under the guidelines that the contract and building that had been submitted to the Council and City Manager are the actual outcome of the sale with the reversionary agreement in the deed should the construction not occur.

Councilman Smith asked about the retention of the mineral rights and if there was anything else that needed to be included in the contract. Mr. Ervin stated that surface only could be stipulated in the contract. He further stated that a written agreement was needed and he would encourage the Council to look at the restrictive covenants that were available. He commented that Mr. Voss' project could be reduced to a written agreement that would restrict it to the plans and specs that were contained in his contract with the government and Mr. Voss had agreed to a reversionary clause in case the project did not complete. Mr. Ervin stated that he would encourage the Council to pursue more restrictive covenants later on additional sales. He added that his concern was if the item was tabled they would have to develop more restrictive covenants by the next meeting and that would be difficult. He stated that he was sure that this particular sale could be made to work from a protection standpoint based on what had been said in the meeting but he did encourage the Council to develop a long range plan with the covenants in place.

Mayor Priddle stated that there seemed to be six (6) covenants; 1. Surface only, 2. Brick and Rock building, 3. Landscaping as indicated in the design, 4. Built to current specifications as shown in the plan, 5. Reversionary Clause in the Deed and 6. Must meet City Code requirements on other building aspects.

There was a brief discussion about including the standard covenants that were in the overlay districts and if Mr. Voss was familiar with the Code overlays of the Wyandotte and Wade Watts areas.

Mayor Priddle stated that there was a motion to table on the floor and the second had been withdrawn. He asked if there was another second, there was none and the motion to table failed for lack of a second.

Shari Cooper addressed the Council expressing her opinion of the sale of the property and the covenants that the Council could stipulate on the development in the property.

There was another brief discussion about stipulating that the entire building be brick or rock, if there would be any tractors parked around the building, if the off road equipment would be exempted and developing covenants and planning for the property.

Mayor Priddle stated that there were now eight (8) covenants; 1. Surface only, 2. Brick and Rock on all four (4) sides, 3. Landscaping as indicated in the design, 4. Built to current specifications as shown in the plan, 5. Reversionary Clause in the Deed, 6. Overlay requirements as specified on Wade Watts, 7. No tractors, farm implements or heavy machinery stored on the outside of property.

Mr. Ervin stated that he would create a written agreement with the covenants and the deed would incorporate the surface only and the reversionary clause.

Mayor Priddle moved to approve the sale of approximately 1.2 acres of land (224' x 232') located at the Southside Business Development Center for the construction of a 10,000 sq. ft. office building subject to the following covenants; 1. Surface only, 2. Brick and Rock on all four (4) sides, 3. Landscaping as indicated in the design, 4. Built to current specifications as shown in the plan, 5. Reversionary Clause in the Deed, 6. Conform to the overlay requirements as specified on Wade Watts, 7. No tractors, farm implements or heavy machinery stored on the outside of property for the purchase price of \$53,682.94. The motion was seconded by Vice-Mayor Browne. There was no further discussion and the vote was taken as follows:

AYE: Councilman Karr, Garvin, Smith, Browne & Mayor Priddle

NAY: Councilman Harrison

Mayor Priddle declared the motion carried.

2. Consider, and act upon, an Ordinance amending Ordinance No. 2392 which established the budget for fiscal year 2011-2012; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Toni Ervin, Interim CFO*)

Executive Summary

Motion to approve the budget amendment ordinance.

ORDINANCE NO. 2403

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2392 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2011-2012; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to approve **ORDINANCE NO. 2403.**

Before the vote, Ms. Ervin reviewed the amendment with the Council. There was no discussion and the vote was taken as follows:

AYE: Councilman Garvin, Smith, Harrison, Browne, Karr & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

Councilman Karr moved to approve the EMERGENCY CLAUSE, seconded by Vice-Mayor Browne. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Harrison, Browne, Karr, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

3. Consider, and act upon, a donation for the construction of a fencing project located at the Farmer's Market parking lot. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve a donation to the Pittsburg County Cooperative Extension Service of \$5,482.00 for the construction of a fencing project at the Farmer's Market parking lot.

Vice-Mayor Browne moved to approve a donation to the Pittsburg County Cooperative Extension Service of \$5,482.00 for the construction of a fencing project at the Farmer's Market parking lot. The motion was seconded by Councilman Harrison.

Before the vote, Manager Stasiak commented that this was a project that had been on for approximately a year. He added that LaDell Emmons was present to answer questions.

There was a brief discussion among the Council including Ms. Emmons and Manager Stasiak regarding the fund raising efforts, the fencing requirements that were required in the lease agreement with Union Pacific, incorporating this project and complying with the lease requirements, continuing the fence with matching materials and if this was a allowable use of public funds.

Mr. Ervin stated that improvements were being made to property that the City had a leased interest in and as long as it is for a valid public purpose it was allowable.

Councilman Harrison requested that the City Attorney's statement be included in the minutes for clarification if needed in the future.

There was no further discussion and the vote was taken as follows:

AYE: Councilman Smith, Harrison, Browne, Karr, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

4. Consider, and act upon, increasing the partnership contribution for the Southeast EXPO Center. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve an increase in the partnership contribution for the Southeast EXPO Center in the amount \$5,125.00 for fiscal year 2011/2012.

Vice-Mayor Browne moved to approve an increase in the partnership contributions for the Southeast EXPO Center in the amount of \$5,125.00 for fiscal year 2011-2012. The motion was seconded by Councilman Harrison.

Before the vote, Mel Priddy explained that the partnership money had run out. There had been more requests than usual and this amount was to cover the requests from the groups that routinely requested partnerships.

There was no other discussion and the vote was taken as follows:

AYE: Councilman Karr, Garvin, Smith, Harrison, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

5. Consider, and act upon, a Partnership Request from Eastern Oklahoma State College (EOSC) and Oklahoma Employment Security Commission (OESC) for the use of the Expo Center for the Simonton Window job fair, scheduled November 12th & set up November 11th, 2011, by partnering with them in the amount of \$1,500.00. (*Jerry Lynn Wilson, Expo Manager*)

Executive Summary

Consider approval of Partnership Request in the amount of \$1,500.00.

A motion was made by Councilman Karr and seconded by Vice-Mayor Browne to approve a Partnership Request from Eastern Oklahoma State College (EOSC) and Oklahoma Employment Security Commission (OESC) for the use of the Expo Center for the Simonton Window job fair, scheduled November 12th & set up November 11th, 2011, by partnering with them in the amount of \$1,500.00.

Before the vote, Vice-Mayor Browne stated that the job fair had been opened up to everyone and not limited only to the Simonton Window employees.

There was no other discussion, and the vote was taken as follows:

AYE: Councilman Smith, Harrison, Browne, Karr, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

6. Consider, and act upon, a request by Eastern Oklahoma State College (EOSC) to partner with them for the rental fee in the amount of \$1,500.00 for the use of the Expo Center on November 7th & 8th, 2011 for the 5th Annual Career and College Tour. (*Jerry Lynn Wilson, Expo Manager*)

Executive Summary

Consider approving this partnership request in the amount of \$1,500.00.

A motion was made by Vice-Mayor Browne and seconded by Councilman Harrison to approve a request by Eastern Oklahoma State College (EOSC) to partner with them for the rental fee in the amount of \$1,500.00 for the use of the Expo Center on November 7th & 8th, 2011 for the 5th Annual Career and College Tour.

There was no discussion and the vote was taken as follows:

AYE: Councilman Harrison, Browne, Karr, Garvin, Smith & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

7. A. Consider, and act upon, awarding a bid to Wheeled Coach, in the amount of \$123,131.00 for a new and unused Ford F350 Ambulance Type I Modular 4x4 Conversion, and to accept change order in the amount of \$2509.00, for the installation of an "Air Ride System" in the conversion. (*Brett Brewer, Fire Chief*)
- B. Consider and act upon the purchase of one ambulance cot to be used on said ambulance in the amount of \$5059.00. (*Brett Brewer, Fire Chief*)

Total cost to City of McAlester \$130,699.00.

Executive Summary

Motion to approve a bid award to purchase one new and unused Ford F350 Ambulance Type I Modular 4x4 Conversion, in the amount of \$123,131.00 with change order in the amount of \$2509.00, and approve the purchase of one new cot to be used on said ambulance, in the amount of \$5059.00. Total cost to city, 130,699.00

Councilman Harrison moved to approve a bid award to purchase one new and unused Ford F350 Ambulance Type I Modular 4x4 Conversion, in the amount of \$123,131.00 with change order in the amount of \$2509.00, to Wheeled Coach and approve the purchase of one new cot to be used on said ambulance, in the amount of \$5059.00. Total cost to city, 130,699.00. The motion was seconded by Vice-Mayor Browne.

Before the vote, Manager Stasiak explained that the Fire Department had recently gone out for bids for a replacement ambulance and had received two (2) proposals. He stated that the proposals had been reviewed by the Fire Administration and they were recommending that the bid be awarded to Wheeled Coach in the amount of \$123,131.00 with change order in the amount of \$2509.00, and approve the purchase of one new cot to be used on said ambulance, in the amount of \$5059.00. Total cost to city, 130,699.00.

There was a brief discussion of what was going to be done with the old ambulance and if there would be any liability on the City if they used the old ambulance as a standby.

City Attorney Ervin stated that the City would not be open to any additional liability by using the old ambulance as a standby.

There was no further discussion, and the vote was taken as follows.

AYE: Councilman Browne, Karr, Garvin, Smith, Harrison & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

8. Consider, and act upon, a bid award to Total Radio Inc., for the purchase of thirty-eight (38) hand held radios and forty-three (43) mobile radios. (*Jim Lyles, Police Chief*)

Executive Summary

Motion to approve a \$52,483.35 bid from Total Radio, Inc. for the purchase of new radios.

Mayor Priddle stated that this item would be tabled at the City Manager's request.

9. Consider and act upon, authorizing the Chief of Police to add two additional E-911 Dispatchers. (*Jim Lyles, Police Chief*)

Executive Summary

Motion to approve the addition of two E-911 Dispatchers.

Vice-Mayor Browne moved to approve the addition of two (2) E-911 Dispatchers. The motion was seconded by Councilman Karr.

Before the vote, Chief Lyles explained that the 911/E911 Advisory and Oversight Board had requested and recommended the addition of two (2) E-911 Dispatchers. He stated that this would allow a minimum of three (3) dispatchers to be scheduled on a daily basis except on four (4) shifts per week.

Manager Stasiak stated that the Council was being asked to concur with the recommendation from the E-911 Board. He wanted this in front of the Council since the personnel levels would be increased. He added that if this and the next two (2) items were approved the appropriation would be brought to the Council at the next meeting.

There was no other discussion, and the vote was taken as follows:

AYE: Councilman Karr, Garvin, Smith, Browne & Mayor Priddle

NAY: None

ABSTAIN: Councilman Harrison

Mayor Priddle declared the motion carried.

10. Consider and act upon, authorizing the Chief of Police to add an additional employee to assist the E-911 Coordinator with her daily duties. *(Jim Lyles, Police Chief)*

Executive Summary

Motion to approve the addition of one E-911 employee.

A motion was made by Vice-Mayor Browne and seconded by Councilman Karr to approve the addition of an E-911 employee to assist the E-911 Coordinator with her daily duties.

Before the vote, there was a brief discussion concerning the length of time it would take to complete the mapping project with an additional employee. Chief Lyles stated that the mapping was constantly changing and may never be completed. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Smith, Browne, Karr & Harrison

NAY: None

ABSTAIN: Councilman Harrison

Mayor Priddle declared the motion carried.

11. Consider and act upon, authorizing the Chief of Police to promote an E-911 Supervisor. *(Jim Lyles, Police Chief)*

Executive Summary

Motion to approve the promotion of an E-911 Supervisor.

A motion was made by Vice-Mayor Browne and seconded by Councilman Karr to authorize the Chief of Police to promote an E-911 Supervisor.

Before the vote, Councilman Smith requested in having some performance standards set for every job at City Hall and keeping track of statistics. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Browne, Karr, Garvin & Harrison

NAY: None

ABSTAIN: Councilman Harrison

Mayor Priddle declared the motion carried.

12. Consider, and act upon a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of the 2010 Community Development Block Grant (CDBG) Water and Sewer Improvements. *(David Medley, Utilities Director)*

Executive Summary

Motion to approve and authorize the Mayor to sign the work order for Mehlburger Brawley to complete engineering services required for 2010 CDBG Water and Sewer Improvements for an estimated fee of \$23,000 upon review and approval of by the City Attorney's Office.

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to authorize the Mayor to sign the work order for Mehlburger Brawley to complete the engineering services required for the 2010 CDBG Water and Sewer Improvements for an estimated fee of \$23,000.00 upon review and approval of by the City Attorney's Office.

Before the vote, David Medley addressed the Council explaining that this work order was for professional services for the 2010 CDBG Water and Sewer Improvements. He added that this project would provide for new water and sewer lines in Ward 5. He commented that the total estimated cost of the utility construction was \$148,000.00 and the Oklahoma Department of Commerce would reimburse \$73,874.00 through the Community Development Block Grant program. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Harrison, Browne, Karr, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

13. Consider, and act upon, award of bid to Altivia Chemical Solutions for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: aluminum sulfate, 40% polymer, copper sulfate, and poly-aluminum ferric halide. (*David Medley, Utilities Director*)

Executive Summary

Motion to award of bid for Items 1, 6, 8, and 9 of the September, 2011 to February, 2011 Water Treatment Plant Chemical Chemicals, after review and approval by the City Attorney's Office, with Altivia Chemical Solutions of Houston, Texas at the unit prices per the attached bid tabulation and agreement.

A motion was made by Councilman Garvin and seconded by Councilman Karr to award a bid to Altivia Chemical Solutions of Houston, Texas for Aluminum Sulfate at \$0.0715 Bulk/lbs., Polymer (40%) at \$1.15 Totes/lbs., Copper Sulfate at \$0.65 Totes/lbs. and Poly-Aluminum Ferric Halide Brennfloc CC 2358 at \$0.339 Bulk/lbs. for the September 2011 to February 2012 Water Plant Chemicals.

There was no discussion and the vote was taken as follows:

AYE: Councilman Karr, Garvin, Smith, Harrison, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

14. Consider, and act upon, award of bid to Southwest Chemical Service for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: 30% caustic and polyphosphate. (*David Medley, Utilities Director*)

Executive Summary

Motion to award of bid for Items 3, and 4 of the September, 2011 to February, 2011 Water Treatment Plant Chemical Chemicals, after review and approval by the City Attorney's Office, with Southwest

Chemical Service of McAlester, Oklahoma at the unit prices per the attached bid tabulation and agreement.

Vice-Mayor Browne moved to award a bid to Southwest Chemical Service for Caustic 30% at \$0.124 Bulk/lbs and Polyphosphate at \$0.90 Totes/lbs for the September 2011 to February 2012 Water Plant Chemicals. The motion was seconded by Councilman Harrison.

Before the vote, Councilman Smith asked for clarification of the bid tab sheet. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Smith, Harrison, Browne, Karr, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

15. Consider, and act upon, award of bid to Brentag Southwest for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: chlorine and activated carbon. (*David Medley, Utilities Director*)

Executive Summary

Motion to award of bid for Items 2, and 5 of the September, 2011 to February, 2011 Water Treatment Plant Chemical Chemicals, after review and approval by the City Attorney's Office, with Brentag Southwest of Nowata, Oklahoma at the unit prices per the attached bid tabulation and agreement.

Vice-Mayor Browne moved to award a bid to Brentag Southwest for Chlorine at \$551.40 Ton and Powder Activated Carbon at \$0.667 Bagged/lbs. for the September 2011 to February 2012 Water Plant Chemicals. The motion was seconded by Councilman Harrison.

There was no discussion and the vote was taken as follows:

AYE: Councilman Harrison, Browne, Karr, Garvin, Smith & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

16. Consider, and act upon, award of bid to Hawkins, Inc. for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemical: sodium permanganate. (*David Medley, Utilities Director*)

Executive Summary

Motion to award of bid for Item 7 of the September, 2011 to February, 2011 Water Treatment Plant Chemical Chemicals, after review and approval by the City Attorney's Office, with Hawkins, Inc. of Fort Smith, Arkansas at the unit prices per the attached bid tabulation and agreement.

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to award a bid to Hawkins, Inc. for Sodium Permanganate at \$0.995 Totes/lbs. for the September 2011 to February 2012 Water Plant Chemicals.

There was no discussion and the vote was taken as follows:

AYE: Councilman Browne, Karr, Garvin, Smith, Harrison & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

17. Consider and act upon assigning a 30 foot wide utility easement in Lot C-7 of Steven Taylor Industrial Park for the purpose of allowing the Oklahoma Turnpike Authority to construct an 8” diameter sanitary sewer to service their new Service Plaza to be located on the Indian Nation Turnpike approximately ¼ mile south of the Industrial Park. (*David Medley, Utilities Director*)

Executive Summary

Motion to assign the easement and authorize the Mayor to sign after review and approval by the City Attorney’s Office.

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to approve assigning a 30 foot wide utility easement in Lot C-7 of Steven Taylor Industrial Park for the purpose of allowing the Oklahoma Turnpike Authority to construct an 8” diameter sanitary sewer to service their new Service Plaza to be located on the Indian Nation Turnpike approximately ¼ mile south of the Industrial Park and authorize the Mayor to sign after review and approval by the City Attorney’s Office.

Before the vote, David Medley explained that the Oklahoma Turnpike Authority would install the 8” diameter sanitary sewer and install a master meter and a 10” diameter water line in the existing right of way of Taylor Blvd. for water service. He added that the water service area was in District No. 5 and they would supply the individual water meters at the plaza.

There was a brief discussion among the Council concerning the Turnpike Authority’s consolidation of the two service plazas currently on the Turnpike, the possibility of annexing that area, and what businesses would be in the service plaza.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Karr, Garvin, Smith, Harrison, Browne & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

18. Consider, and act upon a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of the Water Treatment Plant Residuals Handling Improvements. (*David Medley, Utilities Director*)

Executive Summary

Motion to approve and authorize the Mayor to sign the work order for Mehlburger Brawley to complete engineering services required for Water Treatment Plant Residuals Handling Improvements for an estimated fee of \$87,300 upon review and approval of by the City Attorney’s Office.

A motion was made by Vice-Mayor Browne and seconded by Councilman Harrison to authorize the Mayor to sign the work order for Mehlburger Brawley to complete the engineering services required for the Water Treatment Plant Residuals Handling Improvements for an estimated fee of \$87,300.00 upon review and approval of by the City Attorney's Office.

Before the vote, there was discussion among the Council and Mr. Medley regarding the calculation of the fee, having the Department of Environmental Quality do this, how the decision to award this was made and if the fees were standard.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Smith, Harrison, Browne, Karr & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

19. Consider, and act upon, award of bid to Pittard Construction Company for the construction of Highway 69 ODOT Utility Relocation Sewer Project and authorize the Mayor to enter into a construction contract, in an amount of \$199,865.00. (*David Medley, Utilities Director*)

Executive Summary

Motion to award of bid for Highway 69 ODOT Utility Relocation Sewer Project and authorizing the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office, with Pittard Construction Company of Allen, Texas in an amount of \$199,865.00.

A motion was made by Councilman Harrison and seconded by Councilman Karr to award a bid for Highway 69 ODOT Utility Relocation Sewer Project and authorizing the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office, with Pittard Construction Company of Allen, Texas in an amount of \$199,865.00.

Before the vote, there was discussion the number of bids that were received, the process that was taken to choose the company, what fund would be used for this project, when work would start if awarded, how long the project would take, the savings by using this company to do both projects, if they could do both projects simultaneously, if there were any local companies that bid and the changes that the City Attorney had made to the contracts.

Mayor Priddle announced that even though the vote was not official the results were 76% yes and 24% no, on the bond election.

There was no further discussion and the vote was taken as follows:

AYE: Councilman Smith, Harrison, Karr, Garvin & Mayor Priddle
NAY: Vice-Mayor Browne

Mayor Priddle declared the motion carried.

20. Consider, and act upon, award of bid to Pittard Construction Company for the construction of Highway 69 ODOT Utility Relocation Water Project and authorize the Mayor to enter into a construction contract, in an amount of \$498,850.00. (*David Medley, Utilities Director*)

Executive Summary

Motion to award of bid for Highway 69 ODOT Utility Relocation Water Project and authorizing the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office, with Pittard Construction Company of Allen, Texas in an amount of \$498,850.00.

A motion was made by Councilman Harrison and seconded by Councilman Karr to award a bid for the Highway 69 ODOT Utility Relocation Water Project and authorizing the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office, with Pittard Construction Company of Allen, Texas in an amount of \$498,850.00.

After a brief discussion concerning the company's ability to complete both projects at the same time, the vote was taken as follows:

AYE: Councilman Smith, Harrison, Karr, Garvin & Mayor Priddle

NAY: Vice-Mayor Browne

Mayor Priddle declared the motion carried.

21. Consider, and act upon a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of 12 inch Water Main Project at Taylor Industrial Park. (*David Medley, Utilities Director*)

Executive Summary

Motion to approve and authorize the Mayor to sign the work order for Mehlburger Brawley to complete engineering services required for Taylor Industrial Park Water Main Improvements for an estimated fee of \$38,900 upon review and approval of by the City Attorney's Office.

A motion was made by Councilman Garvin and seconded by Vice-Mayor Browne to authorize the Mayor to sign the work order for Mehlburger Brawley to complete engineering services required for Taylor Industrial Park Water Main Improvements for an estimated fee of \$38,900 upon review and approval of by the City Attorney's Office.

Before the vote, there was discussion regarding the capacity of the new line, when the current line had been installed, what type of material the current line was and what the new line would be, how long the new lines useful life would be and notifying the businesses in the Industrial Park about the construction.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Karr, Garvin, Smith, Harrison, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

22. Consider, and act upon a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of an 8 inch Water Main Project to Lot B-2 at Taylor Industrial Park. (*David Medley, Utilities Director*)

Executive Summary

Motion to approve and authorize the Mayor to sign the work order for Mehlburger Brawley to complete engineering services required for Taylor Industrial Park 8 Inch Water Main to Lot B-2 for an estimated fee of \$19,500 upon review and approval of by the City Attorney's Office.

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to authorize the Mayor to sign the work order for Mehlburger Brawley to complete engineering services required for Taylor Industrial Park 8 Inch Water Main to Lot B-2 for an estimated fee of \$19,500 upon review and approval of by the City Attorney's Office.

Before the vote, there was discussion concerning the verbal agreement with Hampel Oil to pay the material cost of the project estimated at \$45,050.00, the company's plans to construct a bulk plant in the Industrial Park, getting an agreement in writing, if the City's Engineering Department could perform this service and not proceed with the project until a signed agreement is received from Hampel Oil.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Harrison, Browne, Karr, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

23. Consider and act upon, authorizing the Mayor to sign a Right of Way and Easement between the City of McAlester and Public Service Company of Oklahoma, a unit of American Electric Power, 1 Riverside Plaza Columbus, OH 43215. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to authorize Mayor to sign Right of Way and Easement to relocate a PSO transmission line.

A motion was made by Vice-Mayor Browne and seconded by Councilman Harrison to authorize the Mayor to sign a Right of Way and Easement between the City of McAlester and PSO to relocate a PSO transmission line.

Before the vote, Mr. Ervin commented regarding the removal of the following sentence from the last page of the agreement "The failure of Grantee to exercise any of the rights granted herein, or the removal of any facilities from the Easement, shall not be deemed to constitute an abandonment or waiver of the rights granted herein." and incorporating other recommendations that has been made by the City Attorney's Office.

Mayor Priddle moved to amend the agreement to strike the first line on the signature page from the words "The failure of Grantee to granted herein", and make the vote subject to that change. The motion was seconded by Vice-Mayor Browne. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Harrison, Browne, Karr, Garvin, Smith & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

24. Consider and act upon a Resolution of the City of McAlester supporting the development of a regional retail commercial shopping center to be located along the U.S. Highway 69 bypass corridor within the City of McAlester and declaring such development to be for the benefit of the City of McAlester and the southeast Oklahoma region. (*Councilman Steve Harrison*)

Executive Summary

Motion to approve and act upon a Resolution of the City of McAlester supporting the development of a regional retail commercial shopping center to be located along the U.S. Highway 69 bypass corridor within the City of McAlester and declaring such development to be for the benefit of the City of McAlester and the southeast Oklahoma region.

A motion was made by Councilman Harrison and seconded by Councilman Smith to approve RESOLUTION NO. 11-15, supporting the development of a regional retail commercial shopping center to be located along the U.S. Highway 69 bypass corridor within the City of McAlester and declaring such development to be for the benefit of the City of McAlester and the southeast Oklahoma region.

Councilman Harrison commented that he wanted the City to be proactive with retail development but this did not commit the City to anything.

Councilman Garvin stated that he supported the resolution and hoped the rest of the Council would support it also. There was no further discussion, and the vote was taken:

AYE: Councilman Browne, Karr, Garvin, Smith, Harrison & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

New Business

There was no new business.

City Manager's Report

Manager Stasiak commented about the amount of progress that had been made with tonight's agenda. It was phenomenal and the City was making great strides.

Remarks and Inquiries by City Council

Councilman Smith did not have any comments for the meeting.

Councilman Harrison thanked everyone that had voted.

Vice-Mayor Browne thanked all of the voters and mentioned that he had met with the new CEO of the hospital and it had been a good meeting.

Councilman Karr invited the Council to the Open House at Spirit Aerosystems on Saturday.

Councilman Garvin thanked the voters. He commented that the Old Town Festival had been a great success and he expressed his appreciation to the City employees for the clean up work that had been done prior to the Festival.

Mayor Priddle thanked the voters and commented that there had been a lot going on the past weekend. He mentioned the Pride In McAlester clean up that started last weekend and would continue the next weekend.

Recess Council Meeting

Mayor Priddle asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Karr moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Vice-Mayor Browne and the vote was taken as follows:

AYE: Councilman Karr, Garvin, Smith, Harrison, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the meeting was recessed at 8:09 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:13 P.M.

Councilman Harrison moved to recess the Regular meeting for an Executive Session to discuss negotiations concerning employees and employee groups: FOP in accordance with Title 25, Section 307.B.2 and for confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly: City of McAlester v. Randy Green, Case No. C-06-844; Mary Baird v. City of McAlester, Case No. C-09-244; Ida Jewel Martin v. McAlester Regional Health Center, et al., Case No. C-09-29; McAlester Economic Development v. Tandem Technologies, Case No. C-07-1403; Bravo Construction vs. City of McAlester (Pending in Arbitration); Morris v. City of McAlester 2010-CIV-200-FHS; McCormick vs. City of McAlester 2011-CIV-166; Kozel vs. City of McAlester CJ-2011-237 in accordance with Title 25, Section 307.B.4 and to discuss negotiations concerning employees and representatives of employee groups: IAFF in accordance with Title 25, Section 307.B.2. The motion was seconded by Vice-Mayor Browne. There was no discussion, and the vote was taken as follows:

AYE: Councilman Karr, Garvin, Smith, Harrison, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the meeting was recessed at 8:14 P.M.

Councilman Mason arrived at 8:15 P.M.

Executive Session

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (B) (2) to discuss negotiations concerning employees and representatives of employee groups: FOP
- 2) Proposed executive session pursuant to Title 25, Sec. 307 (B) (4) for Confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly: City of McAlester v. Randy Green, Case No. C-06-844; Mary Baird v. City of McAlester, Case No. C-09-244; Ida Jewel Martin v. McAlester Regional Health Center, et al., Case No. C-09-29; McAlester Economic Development v. Tandem Technologies, Case No. C-07-1403; Bravo Construction vs. City of McAlester (Pending in Arbitration); Morris v. City of McAlester 2010-CIV-200-FHS; McCormick vs. City of McAlester 2011-CIV-166; Kozel vs. City of McAlester CJ-2011-237.
- 3) Proposed executive session pursuant to Title 25, Sec. 307 (B) (2) to discuss negotiations concerning employees and representatives of employee groups: IAFF

Reconvene Council Meeting

The Regular Meeting was reconvened at 9:17 P.M. Mayor Priddle reported that the Council had recessed the Regular Meeting for an Executive Session to discuss negotiations concerning employees and employee groups: FOP in accordance with Title 25, Section 307.B.2 and for confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly: City of McAlester v. Randy Green, Case No. C-06-844; Mary Baird v. City of McAlester, Case No. C-09-244; Ida Jewel Martin v. McAlester Regional Health Center, et al., Case No. C-09-29; McAlester Economic Development v. Tandem Technologies, Case No. C-07-1403; Bravo Construction vs. City of McAlester (Pending in Arbitration); Morris v. City of McAlester 2010-CIV-200-FHS; McCormick vs. City of McAlester 2011-CIV-166; Kozel vs. City of McAlester CJ-2011-237 in accordance with Title 25, Section 307.B.4 and to discuss negotiations concerning employees and representatives of employee groups: IAFF in accordance with Title 25, Section 307.B.2. Only those matters were discussed, no action was taken, and the Council returned to open session at 9:17 P.M., and this constituted the Minutes of the Executive Session.

Mayor Priddle moved to approve the contract with the Fraternal Order of Police (FOP) with the two (2) recommended changes which had been proposed subject to the signing of the contract by the FOP representatives prior to the Mayors signing. The motion was seconded by Councilman Mason.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Smith, Harrison, Browne, Karr & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried

Mayor Priddle moved to authorize and direct the filing of a declaratory judgment action in the District Court of Pittsburg County, Oklahoma against the IAFF to determine the issues related to the legal deficiencies and constitutionality of IAFF request to arbitrate the Collective Bargaining Agreement for FY 2010-2011. The motion was seconded by Councilman Harrison. There was no discussion, and the vote was taken as follows:

AYE: Councilman Mason, Smith, Harrison, Browne, Karr, Garvin & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

Adjournment

There being no further business to come before the Council, Councilman Harrison moved for the meeting to be adjourned, seconded by Vice-Mayor Browne.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Harrison, Browne, Karr, Garvin, Mason & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 9:19 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk